(2)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 2000

ALBERT L. PEIA,
Petitioner

v.

THE UNITED STATES OF AMERICA, OFFICE OF THE UNITED STATES TRUSTEE AND RICHARD M. COAN, INDIVIDUALLY, AND IN HIS REPRESENTATIVE CAPACITY FOR THE UNITED STATES TRUSTEE, AND JOHN DOES 1-15,
Respondents

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

Albert L. Peia, Petitioner/Pro Se
P.O. Box 370434
Reseda, California 91337-0434
(213)304-6876

129 pp

APPENDIX A

FILED

NOT FOR PUBLICATION

DEC 15 2000

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON CLERK

FOR THE NINTH CIRCUIT

US. COURT OF APPEALS

ALBERT L. PEIA, No. 00-55108

Plaintiff-Appellant, D.C. No. CV-99-2633-AHM

v.

MEMORANDUM

UNITED STATES, OF AMERICA; RICHARD M. COAN, individually and in his representative capacity for the United States Trustee,

Defendants-Appellees.

Appeal from the United States District Court for the Central District of California A. Howard Matz, District Judge, Presiding

Submitted December 4, 2000

Before: TROTT, GRABER, and McKEOWN, Circuit Judges.

Albert L. Peia appeals pro se the district court's orders dismissing

defendants from his civil action brought pursuant to the Racketeer Influenced and

This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, appellant's request is denied.

Corrupt Organizations Act ("RICO"), 18 U.S.C. § 196 1. We have jurisdiction pursuant to 2 8 U. S - C. § 129 1. We review de. novo orders dismissing for lack -of personal jurisdiction, *see Sher v. Johnson,* 911 F.2d 13 5 7, 13 60 (9th Cir. 1990), and for failure to state a claim, *see Gibson v. United States, 781* F2d 1.334, 1337 (9th Cir. 1986). We affirm.

Peia's contention that the district court erred by concluding that his federal tort claims were time-barred lacks merit because Peia failed to present these claims to the appropriate agency within two years of accrual. *See 28 U.S.C. § 2401(b); Gibson,* 781 F.2d at 1343.

Peia's contention that the nationwide service of process provision of RICO provided the district court with personal jurisdiction over Coan lacks merit because Peia failed to allege facts sufficient to show that the court had personal jurisdiction over at least one of the participants in the alleged multi-district conspiracy and that there is no other district in which a court had personal jurisdiction over all of the alleged co-conspirators. *See Butcher's Union Local No. 498 v. SDC Inv., Inc., 788* F.2d 5355 539 (9th Cir. 1986),,

Peia's contentions that the district court erred by failing to find the United

States to be a criminal enterprise, failing to enter default judgment, and failing to

disqualify itself lack merit. Peia's contentions regarding continuing torts,

misrepresentation of the record, the United States' duty to supervise, and alleged violations of federal law by federal employees also lack merit.
AFFIRMED.

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case Number: 00-55108

ALBERT L. PEIA,
Appellant/Petitioner
-v.-
UNITED STATES OF AMERICA; RICHARD M. COAN, Individually, and in his Representative Capacity for the United States Trustee, and John Does 1-15,
Appellees/Respondents

APPELLANT'S OR PETITIONER'S
INFORMAL BRIEF

1. Jurisdiction

a. Timeliness of Appeal or Petition:

(i) Date of entry of judgment or order of district court:
As to Defendant USA, 11-30-99;
As to Defendant Coan, 9-21-99.

(ii) Date of service of any motion made after judgment (other than for fees and costs):
N/A

(iii) Date of entry of order deciding motion:
N/A

(iv) Date notice of appeal filed:
December 27 & 29, 1999,

as to defendants USA
and Coan, respectively

(v) For prisoners, date of notice of appeal to prison authorities:

N/A

b. One copy of each of the following is attached:

1. The order from which you are appealing

ER at 11-17(USA); 18-20 (Coan)

2. The district court's entry of judgment

N/A; see #1.a.1, supra

3. The district court's docket sheet

ER at 3-10(Volume I);and,ER at 307-314(Volume II).

2. **What are the facts of your case?**

Fact Summary: This case involves drug-money laundering, criminal racketeering among other illegal activity, and federal corruption at the highest levels; ViZ., prosecutorial ijudicial, and political. The consequent fraud on me, as well as legitimate creditors of my (bankruptcy) estate, has been substantial and continuous.

The wrongful and illegal conduct including substantial crimes under federal law as set forth under penalty of perjury in the within action and referenced,, RICO and related bankruptcy proceedings has been fraudulently concealed, covered up, aided and abetted, or directly participated in by federal employees, at times in corrupt collusion, conspiracy, or direct complicity with non-federal employees such as defendant Coan herein among others, in violation of federal law and particularly within the ambit of the RICO statute. The federal employees involved in the aforesaid wrongful, illegal, and actionable conduct include U.S. Attorneys General, U.S. Attorneys, Assistant U.S.

Attorneys, U.S. Judges, U.S. Trustees, U.S. Courts as well as other Department of Justice personnel, CIA, agents of the foregoing, and U.S. politicians at the highest levels. This multidistrict matter sets forth actionable and illegal, wrongful conduct involving at the very least, the states of New Jersey, New York, Connecticut, Virginia, California, Florida and Washington, D.C.

said crimes by federal employees include bribes and those which are readily discernable from, the record herein and those referenced(fed.) proceedings for;which Judicial Notice is Requested.*

* A more detailed factual Statement under penalty of perjury, consistent with my duty under~the federal crime reporting statute is set forth infra. (er at pages 103-116).

3. What did you ask the district court to do (for **example, award damages, give injunctive relief, order your release from prison, etc.)?**

This is an action for damages as requested in the Verified

Complaint and First Amended Verified Complaint and Jury Demand.

4. State the claim or claims you raised at the district court.

The claims raised in th e district court include those under RICO, the Federal Tort Claims Act (not ice having been filed pursuant to statute), fraud, fraudulent concealment, prima facie

tort, negligence; direct and vicarious.

5. What issues are **you raising on appeal?**

A. Fraudulent misrepresentation of the record by J.Matz concerning the dismissal as to defendant Richard M. Coan (in error).

B. The causes of action were not time barred owing to the time-

liness of the filing of same, as well as in relation to the pendancy of the RICO action before Judge Arterton, #92cv0166 (JBA)

C. There is jurisdiction over defendant Coan pursuant to the nationwide service of process provision of the RICO Act.

D. There is a clear duty to supervise incompetent and corrupt Ch. 7 trustees as defendant Coan, on the part of defendant USA.

E. The defendant USA is in fact a racketeer influenced and corrupt organization; that is, a criminal enterprise within the ambit, intent, and purpose of the RICO Act.

F. The dismissal as to defendant USA was in error and consistent with a pattern of corruption, coverup, wrongful &, illegal conduct.

G. The Request to Enter Default was rejected in error.

H. The causes of action include those that are continuing torts.

I. J.Matz should have been disqualified as corrupt & prejudiced.

J. The actionable (prima facie tort, RICO, etc.) violation by federal employees, agents, or assiqns of federal law.

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6.Did you present all these issues to the district court?

If not, why?

Yes

7.What law supports these issues on appeal? (You may, but need not, refer to cases and statutes.)

The law supportive of plaintiff/appellant's position on the aforesaid issues on appeal is set forth infra (in the 35 additional "permitted" pages) at pages 6 - 40.

8. Do you have any other *cases pending in this court? If so,* give the name and docket number **of each** case.

At this moment, plaintiff /appellant laas no other cases pending in this court.

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number Of each case.

The prior action, Docket #98-cv-03159(AHM), was dismissed

on technical grounds, ie., Notice of Federal Tort Claim had allegedly not been ("logged" as) received - part of the illegal coverup which Fedex, Corporation's violation of the subpoena for records of delivery confirming same was in furtherance there-

of, etc. There have been no cases decided on the merits.

10. For prisoners, did you exhaust all administrative remedies for each claim prior to filing your complaint in the district court?

Not Applicable. It should be noted, however, that all administrative remedies were-exhausted; that is, all requisite notices of claim filed, prior to filing the instant complaint in the District Court.

I. THE DISMISSAL AS TO DEFENDANT COAN CONSTITUTED CLEAR ERROR

A. In accordance with the nationwide service of process provision of the RICO Act, the court h 'ad personal jurisdiction over Coan. It is well settled that Title 18 U.S.C. 1965(d), construed as a nationwide service of process provision, obviates the need to show minimum contacts with the forum state and plaintiff need only show that defendants have minimum contacts with the U.S.

Dooley v.United States Technologies Corp.,786 F.Supp. 65(D.D.C. 1992) ;Monarch Normany Square Partners v. Normandy Square Associates Partnership, 817 F.Supp.896,898(D.Kan.1993). It is clear from the facts of this case that in his corrupted role as Ch.7 trustee defendant Coan falls within the ambit of the rule, particularly with regard to the coverup vis-a-vis the parallel (to the RICO action, Dkt.#92cvOl66(JBA)Dist.of Conn.) adversary proceedings and indeed has minimum contacts with the U.S., militating against

any specious and spurious assertion that there is no jurisdiction
over him in this case. Coan's own memorandum in support of his
motion to dismiss states in referring to plainfiff-s averments
in the First Amended Verified.Complaint (IFAVCI), viz., a

> "continuing pattern of wrongful conduct by defendant Coan and
> the (defendant) United States,of America" and as well, ~(b)false hearing notices issued in Bankruptcy Courts in Connecticut and California". (er at page 131). Moreover, in the adversary proceeding against David George Swann (D.O.B. 4-6-60, 5 yr.

Ca. resident,junkie among other illegal drug use,3 theft guilty
pleas,etc.)for damages and replevin for theft of assets of the
Ch. 7 estate and which was ripe for the entry of default (and
then default judgment)Coan allowed same to be dismissed over
my objection despite being a named party plaintiff,at a hearing
before def. Shiff on 10-21-1997, has not abandoned but continues to obstruct same.(er.at pages 132 &112)
The clear language of the Jurisdictional Statement to plaintiff's FAVC provides,-

' The within action involves a multi-district conspiracy including but not limited to the states of New Jersey, New York, Connecticut, California, Virginia, Washington, D.C., and there is no other district in which a court will have personal jurisdiction over all the co-conspirators '
(e.r. at page 42)

In his less than two page order granting defendant Coan's motion to dismiss for lack of personal jurisdiction, J. Matz commits the criminal and impeachable offense of fraudulently misrepresenting the record (as well as other crimes u nder federal law relating to the coverup as discus sed infra) by stating therein that " Plaintiff has,still failed to allege that another district court, namely Connecticut, would not have personal jurisdiction overall of the alleged co-conspira tors." (e.r. page 19). Moreover, J. Matz, consistent with the (defendant USA's) government's illegal modis operandi of coverup, as discussed infta, speciously and spuriously states " Plain tiff s RICO claim in the First Amended Complaint, fairly construed, does not adequately allege either a multidistrict conspiracy or that any of the alleged co-conspirators is in California. " (e.r. at page 19) Closer scrutiny of the plain language of plaintiff s First Amended Complaint (here inafter "FAVC") reveals the patent falsity of J. Matz' criminally-result-oriented statement. Speci- fically, the real properties located in the state of New Jersey which, along with the then extent RICO action and other assets of the estate, were the subject of a Virginia Chapter 7 in 1989, and

which proceeding was not resolved in accordance with law owing to "wrongful, negligent, illegal, and culpable acts of employees of the defendant United States of America causing the
estate and creditors thereof substantial damage. Subpart (F.), pages 28 and 29, FAVC (e.r. at
pages and Defendant Coan was aware of same and as well, admitted in testimony before
the Honorable Robert Chatigny, U.S.D.C.J., District of Connecticut, (at a hearing on July 3 1,
1997 in an action brought by defendant Coan against me to preclude me ftom suing him or any
other party without leave of court - which relief was denied by the Honorable Judge Chatigny)

that he did not know of any legal way a real property as that in the state of New Jersey could have been sold during the pendancy of the automatic stay pursuant to Section 362 of Title 11, U.S.C., which he acknowledged on cross examination by me and in supplemental questioning by Judge Chatigny (despite that having occurred and being the sub ect of one of the adversary pro ceedings for which the entry of default was appropriate ana yet dismissed with prejudice owing to defendant Coan's wrongful, illegal, and culpable conduct). (e.r. at pages 43,44,70,71,133)

Subpart (G), pages 29 and 30, FAVC, and the Exhibit "A" referenced therein (e.r. at pages 43,44,70,71) indicates the dismissal with prejudice of that ("parallel") adversary proceeding substantially similar to the RICO action (Dkt. # 92cVO166) owing to the wrongful, illegal, negligent, and culpable conduct of defendant Coan, despite the appropriateness of the entry of default on said veri fied complaint. (e.r. at page **44**). Count Five, paragraphs I and 2, at page 24, FAVC, (e.r. at page 65)repeats and reiterates the averments of the First, Second, Third, and Fourth Counts and refers to defendants Coan and USA. (e.r. at page 66-72). Substantial surplus funds, as well as assets, real and personal, as well as other causes of action in (and concerning defendants in) the state of New Jersey were involved therein. (e.r. at page66-72).One defendant, Daniel Breiner, moved to New York, was served there, and was in default (and without defense owing to Section 362 of

Title 11, U.S.C.). (e.r. at page-70).

Subparts (D, E, and F) pages 26 - 29, FAVC, (e.r. at pages 67 -70), involve the laundering of drug money by RICO defendants Dilena, et als (New Jersey - served and in default - in the parallel adversary proceeding vis-a-vis the RICO action, Dkt. # 92cvO 166), through the Trump (New York) casinos (New Jersey) with corrupt complicity in covering up same by federal employee, Maryanne Trump (New Jersey/New York) among other (e.r. at page 68). The coverup has

continued through federal employees (Washington, D.C.), as set forth in subpart (G), FAVC. (e.r. at pages –70)
[Parenthetically, by~reasonable inference, the Gambino crime family (New York based but multistate) was involved in the aforementioned and has "made their presence known to me" here in California by way ~of a Gambino Eledtric truck at premises where I have been assaulted more than once - sometimes coinciding with my critical reference to the corrupt., Clinton administration]. (e.r. at page 68 & Judicial Notice, Notice of Federal Tort Claim,Exhibit A, Plaintiff's Verified Complaint, "PVC"). See generally, 'Defrauding America', 3rd Edition, by Rodney Stich, and page(s) 160 annexed hereto. Defendant Coan has speciously "argued" at pages I I and 12, Coan Memorandum of Law in Support of his Motion to Dismiss, (e.r. at pages 135), what appears to be his spurious and preposterous assertion that defendant USA does not reside in California to "buttress" his socalled position therein which is totally ludicrous and nonsequitor. (e.r. at pages 132-135 and page 136). Additionally, defendant Coan is "sitting on" a federal court judgment entered in my favor against defendants residing in the state of New Jersey. (e.r. at pages 135 and 141. Defendant Coan has neither executed on nor abandoned said judgment which had been a part of the Chapter 13 plan'and a significant asset of the estate. (e.r. at page 135).
It also should be noted that Coan's frivolous request to remove from the docket the action as to him is wholly innapropriate as a matter of law, especially in light of the fact that there was no proscription against including him as a defendant in the FAVC in the prior order of dismissal without prejudice, nor would same have been legally appropriate. (e.r. at page 135).

By the very standards set forth by defendant Coan himself in his memorandum at pages 4 and 5, (e.r. at pages 135 & 136), Plaintiff has met and surpassed the "prima facie showing of jurisdictional facts" wherein "uncontroverted allegations in the complaint must be taken as true and conflicts between the parties in the affidavits must be resolved in plaintiffs favor", lines 3-7, citations omitted. (e.r. at pages 137 and 138); hence, mandating jurisdiction over defendant Coan in accordance with the nationwide service of process provision in the R.I.C.O. Act consistent with the averments under penalty of pejury of plaintiff s FAVC as well as that set forth herein-Defendant Coan's reliance upon the,case of Butcher's Union Local 498 v. SDC Inv.,Inc., 738 F.2d 535 (9th Cir 1986) is misplaced, and distinguishable from the instant case inasmuch as the RICO count herein involves a conspiracy that includes federal employees, (and former fed. ees. in those states, among others, set forth in the FAVC.

In sum, contrary to Coan's false and unsupported conclusory statements, plaintiff has alledged under penalty of perjury a multi-district conspiracy involving at least the additional states of New Jersey, Virginia, New York, California, and Washington, D.C. involving co-conspirators over whom the District of Connecticut Court might not otherwise have jurisdiction [ie., Chapter 7 trustees in Virginia and California, the Trumps - Donald, Robert, and Maryanne in New York and New Jersey, the (prior RICO/adversary proceeding defendants) Dilena and companies and their former lawyers Woodcock, Kingman, and Winkler in New Jersey, former federal employees Jonathon Lacey and Hugh Leonard in New Jersey, the (prior RICO/adversary proceeding defendants) Hess and McDonald in New Jersey, Daniel Breiner in New York, David George Swann in California, etc.; involving surplus funds unaccounted for (stolen), stolen personalty of the Chapter 7 estate, stolen realty (violation of Sect. 362, Title 11, U.S.C.), the defrauding of the

bankruptcy estate and me, drug money, laundering, coverup, bribes, etc.] as set forth in plaintiff s
First Amended Verified Complaint. (ex.', at pages 712). As such, in light of the very standards
set forth by defendant Coan for resolving the jurisdictional issue herein presented, it is clear that
there is personal jurisdiction herein over Coan pursuant to the RICO statute. (e.r. at page 138).

II. THE DISMISSAL AS TO DEFENDANT USA CONSTITUTED CLEAR ERROR

A. Defendant USA is in Default and Default Judgment is Appropriate Under the Facts Herein and the Law Applicable Thereto

Defendant USA was properly served in accordance with Federal Rules of Civil Procedure. (e.r. at pages 26-41; transcriptof 11-22-99 hearing, e.r. at pages ***91,92)***. Said service of process in accordance with federal rules governing same was effected by way of Certified United States Mail, postage pre-paid, return receipt requested on August 14, 1999. (e.r. at page 41). The aforesaid summonses and First Amended Verified Complaints were received by the Civil Process Clerk, 1200 U.S. Courthouse, 312 North Spring, Los Angeles, Ca. 90012, and Madam Attorney General Janet Reno, U.S. Department of Justice, Tenth and Constitution Aves., Washington, D.C. 20535, respectively,on August 16, 19919 and August 19, 1999, as indicated on the subject return receipts. (e.r. at pages 41). Said original return receipts, along with proofs of service, were filed on November 16, 1999, wherein plaintiff's Request to Enter Default against defendant USA with supporting affidavit/certification

/declaration of plaintiff was reiterated, reasserted, and incorporated therein by reference, and annexed thereto forming a part thereof. (e.r.at pages 26,27). The Request for the Entry of Default was lodged on October 27, 1999 and rejected in error, and resubmitted on November 2, 1999, and once again,had been rejected in error by J. Matz. (e.r. at pages 27). Defendant USA had neither sought nor received an extension of

time to file an answer or leave of court to do so out of time. (er at 31-37, 91). As such, defendant USA's frivolous and untimely Motion to Dismiss is a nullity under the facts hereof and applicable law; that is, beyond the requisite 60 days within which to answer or file a responsive pleading. (er.at 31). The ineluctable conclusion, ergo, that the failure to grant the Request for the Entry of Default, though consistent with the government's modus operandi of (criminal) coverup, misprision of felonies, etc., as discussed infra, constitutes clear error, with nothing properly in the record to support a contrary result. (er. At 31-37, 91). While there was some "reference" to the purported existence and applicability of a (federal) rule governing service by U.S. mail at the 11-22-99 hearing, neither J. Matz nor defendant.USA through "prompting" by J. Matz, was able to articulate with any certainty or clarity the applicability of such a rule. (er. at 99,100) . Indeed, defendant USA in its Ex Parte Application to file a post (11-22-99) hearing supplemental memorandum evinced a lack of understanding of or misapplication of the Rule apparently "alluded to" by J. Matz who himself was without grasp of same as pertains to the facts herein; viz. , Fed. R. Civ. P. 6 (e) . (er. at 99,100). It should be noted

that pursuant to Fed.R.Civ.P. 5 SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS, subpart (b) provides in pertinent part,"... Service by mail is complete upon mailing.11(er.at) While the application and intent of Rule 6(e) is inapposite here where receipt of the pleadings was acknowledged by return receipt,proper application of the rule would have added 3 days to the mailing date of August 14, 1999, bringing defendant USA's deadline for filing an answer or responsive pleading to October 18, 1999 (the 17th was a Sunday). (er. at 29).

B. Defendant United States of America is a Criminal Enterprise Within the Meaning, Intent, and Ambit of the Racketeer Influenced and Corrupt Organizations (RICO) Act

It is well settled that governmental entities may constitute "enterprises" within the meaning of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C, Section 1960, et seq. U.S. v. Freeman, 6 F.3d 586 (9th Cir. 1993), certiorari denied 114 S.Ct. 1661, 511 U.S. 1077, 128 L.Ed.2d 378, certiorari denied 114 S.Ct. 2177, 511 U.S. 1147, 128 L.Ed.2d 896. Indeed, it has been consistently held that state and local among other governmental entities may be properly charged as RICO "enterprises", U.S. v. Qaoud, 777 F.2d 1105 (6th Cir. 1985),certiorari denied 106 S.Ct. 1499, 475 U.S. 1098, 89 L.Ed.2d 899, and that public entities such as townships, Genty v. Resolution Trust Corp., 937 F.2d 899 (3rd Cir. 1991), offices of judges as that of the Seventh Judicial Circuit, U.S. v. Grubb, 11 F.3d 426(4th Cir.1993), habeas corpus denied 859 F.Supp, 227, affirmed as modified 65 F.3d 167, county circuit courts, U.S. v. Blackwood, 768 F.2d 131, certiorari denied 106 S.Ct. 569, 474 U.S. 1020, 88 L.Ed.2d 554, "supreme courts"(as in Queens, N. Y., U. S. v. Brennan, 629 F. Supp. 283 (E. D. N. Y.

1986), affirmed 798 F.2d 581, habeas corpus granted 685 F.Supp. 883, affirmed 867 F.2d 111, certiorari denied 109 S. Ct. 1750, 490 U.S. 1022, 104L.Ed.2d 187, fire departments, U.S.v.Balzano, 916 F.2d 1273(7th Cir.1990), police departments, U.S.v.Masters, 924 F.2d 1362(7th Cir.1991), rehearing denied, certiorari denied 111 S.Ct. 2019 ' 500 U.S. 919, 114 L.Ed.2d 105, certiorari denied 112 S.Ct. 86, 502 U.S. 823, 116 L.Ed.2d 58, U.S. v. Ruiz, 905 F.2d 499(1st Cir.1990), have been deemed "enterprises" for the purpose of the RICO Act and the imposition of liability thereunder.

Title 18 U.S.C.A. Section 1961 sets forth in pertinent part:

(1) "racketeering activity" means (A)any act or threat involving murder,...,robbery, bribery,extortion,...,dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under state law and punishable by imprisonment for more than one year; (B)any act which is indictable under any of the following provisions of title 18, United States Code: sections 201, 1503, 1510, 1511,

1512, 1513, 1952, 1956, 1957, 1958, (relating to bribery, obstruction of justice, obstruction of criminal investigations/state or local law enforcement, witness/victim/informant tampering or retaliation, racketeering, money laundering, monetary transactions in property derived from said unlawful activities, using

interstate commerce facilities in murder for hire, respectively (D) any offense involving fraud connected with a case under title 11 ..., or the felonious manufacture, importation, receiving concealing, buying, selling, or otherwise dealing in a controlled substance or listed chemical ... (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act,

(2) "State" ... (3) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) "enterprise" includes, : any. individual, partnership, corporation, association, or other''leg'al entity, and any union or group of individuals associated in fact although not a legal entity;

(5) "pattern of racketeering activity" requires at least two acts of racketeering activity one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding' any period of imprisonment) after the commission of a prior act of racketeering activity;

subparts (6) through (10).

Moreover, it is also axiomatic that where attorneys and law

firms engaged in fraudulent, wrongful, and/or illegal activities to the detriment of the creditors of (and as well) the bankruptcy estate, as would include defendant Coan and other Chapter 7 (11 or 13) trustees, said attorneys have been held within the ambit of the RICO Act and potentially liable for civil claims thereunder for said pattern of wrongful conduct with the alleged RICO enterprise(s) Handeen v.Lemaire,112 F.3d 1339(8th Cir.1997)

In the instant case, it is also eminently clear that the culpable conduct of defendant USA (as -well as that of defendant Coan) as set forth in plaintiff's First Amended Verified Complaint falls within the purview, ambit, and intent of the RICO Act vis-a-vis the imposition of liability on defendants thereunder.

Specifically, there is a plethora of documentary evidence of defendant USA's involvement in and coverup of the criminal activities as are set forth under penalty of perjury in the present matter. See generally, Defrauding America, 3rd. Edition, by Rodney Stich and excerpts thereof annexed hereto as a courtesy to the Court (e.r. at pages 154-256).

Said illegal

activities include drug money laundering, bankruptcy fraud on debtor, debtor's estate, and creditors thereof, misprision of felony, (fraudulent concealment and coverup), retaliating against a witness, victim, or informant, viz., ie., plaintiff herein by the initiation of spurious contempt proceedings by a federal employee, viz.,(defendant) Alan Shiff-U.S.B.C.J., who also had perpetrated the (impeachable and prosecutable) crime of fraud, bribes, obstruction of justice, among other crimes as set forth in plaintiff's FAVC, exhibits thereto and as set forth in opposition filings herein, as well as at the 11-22-99 hearing. (E.R. at pages 42-72,93-98).Specifically, the drug money laundering by RICO defendants Dilena and companies (through the Trump family casinos) was facilitated and covered up by federal (employee) judge Maryanne Trump (Barry) who acted in derogation of federal laws regarding misprision of felony and the crime reporting statute (viz., Title 18,Section 4, and Title 18, section U.S.C.) (e.r. at 65-72)causing damage to plaintiff herein, while at the

same time financially benefitting members of her family (if not her "directly" - a freedom of information act request for said financial information- on her and similarly corrupt judges, ie., Shiff, Matz, etc., through their required financial dis closures will be made) although casinos are a "commonly known" means by which to launder said illicit funds including bribes (e. r. at pages *160 et seq.)*. Moreover, federal employee, Hugh Leonard similarly acted in violation of said federal laws, causing plaintiff damage, and received remuneration (bribes)

from the RICO defendant Dilenas who placed Leonard on retainer (e.r.at pages 47,68,95). Former U.S. Attorney and federal employee Sam Allito's "direct placement" on the Third Circuit Court of Appeals is highly suspect (of bribery) but typical (in U.S. government coverups)(e.r. at pages 69), as was Assistant U.S. Attorney Jonathon Lacy's "coincidental" departure from said office (e.r. at pages 68,69). Federal employee and judge A. Howard Matz fraudulently misrepresented the record in the instant matter (in violation of federal law) in covering up the subject crimes crimes involved in the instant matter for the perpetrators thereof, ie., defendants Coan, Shiff, defendant USA, etc., causing plaintiff damage as well as being in derogation of plaintiff's civil and-constitutional rights (e.r. at pages 66,67). False hearing notices have also been a modus operandi of federal employees for the purpose of covering up crimes-set forth in the present matter, in violation of federal law and with the consequent effect

of defrauding plaintiff (debtor), plaintiff's (debtor's) estate and legitimate creditors thereof, and causing plaintiff damage (e.r. at pages 71,72) as well as robbery of assets of (debtor) plaintiff's-estate (e.r. at pages 43).

Defendant USA's criminal involvement in various substantial criminal activities within the purview and ambit of the RICO Act is well documented and substantially exceeds the threshold legal requirements regarding coverage thereunder vis-a-vis "racketeering activity", "racketeering activity", and "Pattern of racketeering activity". Specifically,,defendant USA is an

egregious and unscrupulous dealer of controlled substances or listed chemicals (as defined in section 102 of the controlled substances Act), and which criminal acts are chargeable under State law and punishable by imprisonment for more than one year. Indeed, despite ruthless coverup that has typically included murders, threats thereof and other intimidation, and false charges, accusations, and imprisonments, "a few good men" of conscience consistent with their "oaths of-service", have come forward to elucidate in detail and under oath and/or penalty of perjury defendant USA's criminal, racketeering activities. Affidavits and testimony of FBI, CIA, DEA, and IRS agents, as well as and consistent with plaintiff's averments herein lead ineluctably to the conclusion of defendant USA's involvement in said racketeering activities as a criminal enterprise engaged in a pattern of racketeering activity (e.r. at pages 65-72), including in that in conjunction with organized crime families which facilitates the operation therof as in the instant case (e.r. at pages 160).

Murders, threats, and intimidation, along with a blatently corrupt federal (prosecutorial and,judicial) process have been particularly egregious in the corrupt Clinton administration though extent in the Bush and Reagan among other administrations. **Judicial Notice, Notice of Federal Tort Claim, PVC, Exhibit "A"** (er. at pages 154-306, 65-72). The illegal drug and drug money flows at Mena, Arkansas involving defendant USA, Clinton and his "benefactors", ie. , Dan Lassiter, (Don)Tyson Foods, (Jack) Stephens Group, etc., (along with Clinton's other substantial crimes) has given rise to a substantial number of

murders, among other crimes, to coverup and perpetuate said criminal, racketeering activities (e.r. at pages **299-306, 65-72, 154-306, 84, 86, 119, 120**).Defendant USA's "felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 the Controlled Substances Act), punishable under any law of the United States, "(er. at pages 154-306) is particularly heinous but consistent with the modus operandi and corollary criminal (racketeering) activities involved in the instant case whichl~have indeed caused damages to plaintiff. Moreover, said racketeering activities provide the very funds by which federal employees, ie.,federal judges, DEA agents, U. S. (and Assistant U. S .) Attorneys, U. S. Trustees, etc.,are bribed. (e.r. at pages **65-72, 155, 154-** . 306). The use of offshore accounts to pay said bribes to cooperating, corrupt federal judges among others is "standard procedure" for defendant USA. (e.r. at pages 155). Indeed, in the present matter outright "retention" of U.S. Trustee Hugh Leonard by the RICO defendants Dilena and companies (e.r. at page 61,68), the payment of "retainers" to the brother of now former U.S Attorney for the District of Connecticut Chris Droney roughly coinciding with the initiation

of spurious contempt proceedings against me through said office

(e.r. at page 66,67)(Droney has since stepped down), the

assignment of newly appointed federal judge Maryanne Trump

(Barry) to the initial RICO action despite the fact that the

Trumps were substantial recipients of the laundered drug money (e. r. at page 67-68), are among the criminal racket -

eering acts of defendant USA through its employees herein.

Federal courts have readily and wisely concluded that even promises (although in the instant case there is more than promises) of future employment by a third party was a "thing of value" within the meaning of the (bribery) statute prohibiting government employees from receiving things of value in exchange for official acts where employment with said third party would have paid defendant three times his salary as assistant United States Attorney. U.S. v. Gorman 807 F.2d 1299 (6th Cir. 1986), certiorari denied 108 S.Ct. 68, 484 U.S. 815, 98 L.Ed-2d 32.

This pattern of racketeering activity of defendant USA is also consistent with the felonious coverup (Title 18 Section and fraudulent concealment (infra) endemic to the corrupted (federal) processes as the (federal) proceedings involved herein; the concomitant effect of which inevitably leads to the decrease in.value of assets generally,. and those of plaintiff specifically

among other injury and damage
as in the present matter. Moreover,
the infiltration of said "processes"
(viz., judicial, ie., Trump
(Barry) , Shiff , Matz; departmental,
ie. , Leonard, defendant
Coan and the U.S Trustees for the
Districts, of Connecticut,
Virginia, and California,. Lacy, Allito,
Droney, etc.) and
entrenchment of the corruption inherent
to said infiltration
thereof, and the damage caused thereby
is exactly what the Rico
Act was enacted to thwart, deter, and
remedy. See generally,
Title 18 U.S.C. Section 1961, et seq..
Indeed, as set forth supra, courts,
townships, congessional
offices, and other governmental entities
have necessarily been

within the ambit of the RICO Act, and consistent therewith and
the intent of the RICO Act, and to preclude the emascualation
thereof, defendant USA must as well be deemed within the purview
of the RICO Act and be held accountable for its (criminal) racketeering activities. Moreover, defendant USA has clearly surpassed
the requisite threshold set'forth in paragraph (5) of Section 1961 of the RICO Act that a proscribed "pattern of racketeering activity" requires at least two acts of racketeering activity
within ten years of each other, one of which must have occurred
after the effective date of the statute,, as stated supra. Paragraph(5)of said section clearly contemplates a prolonged course of
conduct and like statute of limitations for conspiracies, Title 18 Section 3282, U.S.C., which runs from the date of the last
overt act, clearly provides for limitations to run from the date of the last alleged act of racketeering activity. U.S. v. Field, 432 F.Supp.55 (D.N.Y.1977), affirmed 578 F.2d 1371,certiorari dismissed 99 S.Ct.43,439 U.S. 801,58L.Ed.2d94.

C. THE DEFENDANT UNITED STATES OF AMERICA IS THE PROPER PARTY DEFENDANT IN THE INSTANT ACTION

It has become "hornbook law" for purposes of the RICO Act
that ordinary principles of respondeat superior are applicable and liability imputed to the principal thereunder for the (culpable racketeering) acts of an agent thereof. Davis v. Mutual Life Insurance Co. of New York, 6 F.3d 367 (6th Cir.1993), rehearing denied, certiorari denied 114 S.Ct. 1298, 510 U.S. 1193, 127 L.Ed.2d 650. Indeed, even organizations which are not alleged Racketeer Influenced and Corrupt Organizations Act (RICO) enterprises and derive benefits from its representatives wrongful acts, may be held vicariously liable for such acts under the RICO section proscribing a person or entity associated with the enterprise from participating in the enterprise's affairs through a pattern of racketeering activity.Crowe v.Smith,848F.Supp. 1258 (W.D.La. 1994) . So clearly within the realm of common knowledge that such injury to (interstate) commerce as is the natural concommitant of a government's intertwining itself with illegal drug related activities, viz., money -laundering, bribes, extortion, murders corruption, etc., ie.,Columbia, more recently Haiti.and as set forth herein vis-a-vis defendant USA, Judicial Notice is requested ofsaid fact. In the instant case,the(drug)money flows to def-

endant USA are substantial. Indeed, from so called "tax revenue" (generated from the laundered funds) to"fundraisers"for the involved administrations to payoffs and bribes as an added"perk"to personnel thereof including at the highest levels (ie.,Leonard, Droney,Bush, Clinton, federal judges,among others(er. at pages 66,67,155), etc.,as well as to finance government "ops",the financial benefits to defendant USA are substantial. Moreover, it follows "as night the day", the incentive to illegally coverup said crimes as extent in the present matter(er.at pages 65-72,58-65,51-58),perpetuates itself often through illegal acts of intimidation or retaliation, even by "judges" such as federal employee Alan Shiff through spurious contempt proceedings, fraud, etc., or federal prosecutors, etc. (er. at pages 66,67).
Under RICO, in proscribing the use of income derived from or conducting the affairs of the enterprise through a pattern of racketeering an employer can be vicariously liable under the doctrine of respondeat superior or aiding and abbetting liability imposed for the racketeering activities of employees, 18 U.S.C.A. Section 1962 (a) (c) , Petro-Tech, Inc.. v. Western Co. of North America, 824 F.2d 1349 (3rd Cir. 1987) , even if the employer is also

the RICO Enterprise, id. Anything less than application of the foregoing rule would emasculate, militate against, and ultimate thwart the very purposes for which RICO was enacted. Indeed, even spurious and specious claims of immunity must fall, see generally,,Mitchell v. Forsyth, U.S. 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), if the intent of the RICO Act and the salubrious effects thereof are to be realized. Moreover, it should be noted that none of the exceptions (to liability of defendant USA herein) set forth at Title 28 U.S.C. Section 2680 are apposite in the within case. Nor would there be any rational basis for excepting the egregious and illegal (racketeering)crimes as are extent herein from the imposition of liability herein. It is well settled that an entity such as defendantUSA may function both as "innocent victim" of certain racketeering activity, and thus be an enterprise under the section of RICO prohibiting conducting affairs of an enterprise through a pattern of racketeering activity, and as well a perpetrator of other such (racketeering) activity as is defendant USA in the- case sub judice, and thus be a person under that subsection.. Rose v. Bartle, 871

F.2d 331 Ord Cir.1989) . It is also clear from the RICO Act that the term 'person' includes any individual or entity capable of holding a legal or beneficial interest in property, 18 U.S.C. Section 1961(3), as defendant USA, and that Section 1962(d) prohibits any "person" from conspiring, as defendant USA (with ie., defendant Coan, Dilena and companies through Leonard, Shiff, the Trumps,Wood cock,Kingman,& Winkler,Droney and his brother's law firm,etc-as set forth supra)to violate the prohibitions of RICO,including Section 1962(c),

D. DEFENDANT USA IS GUILTY OF CRIMINAL VIOLATIONS OF VARIOUS CRIMINAL STATUTES UNDER FEDERAL LAW AS WELL AS BEING LIABLE FOR ITS TORTIOUS, WRONGFUL, AND ILLEGAL CONDUCT UNDER CIVIL LAW

Title 18, Section 4, U.S.C. entitled Misprision of Felony is set forth as follows:

'Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this Title or imprisoned not more than three years, or both.'
'Whoever' in the aforesaid Title and Section includes Federal Judges, United States Attorneys General, FBI Directors, CIA Directors, United States Attorneys, Assistant United States Attorneys, CIA Agent DEA Agents, FBI Agents, IRS Agents, Presidents of the United States, Aspiring Presidents of the United States, United States Senators and members of the House of Representatives, U.S. Army, Navy, and Marines any other federal employee one could think of, doctors, lawyers, and even (arguably) indian chiefs. Virtually anyone could fall within the ambit of this statute. Indeed, .even citizens without law enforce-

ment duties are guilty of misprision of felony when they witness, ie., an illegal drug transaction and fail to report it. U.S. v. Blount, 940 F. Supp. 720 (E. D. Pa. 1996) affirmed 100 F. 3d 949, certiorari denied 117 S.Ct. 751, 136 L.Ed.2d 688, certiorari denied 117 S.Ct. 981, 136 L-Ed.2d 863, certiorari denied 118 S.Ct. 111, 139 L.Ed.2d 64.

In the instant case, employees of the Defendant United States of America have been and continue to be "Persistent" violators of the aforementioned statute, among other laws including the RICO Act in light of defendant USA's racketeering activities as discussed supra. Specifically, consistent with said legal obligation, plaintiff met with and apprised Assistant U.S. Attorney Jonathon Lacy of the drug money laun-

dering by RICO defendants DiLena and cos. through the Trump casinos who apparently was "bought" not long thereafter and left,apparently "with"file(no record of or documents corroborating same which I had delivered) successfully concealing same. (ER.at 69,61-63) Moreover, ("employees and/or agents of")defendant USA made certain the RICO case involving drug money laundered through her brother's casinos was transferred to newly appointed federal (employee) judge Maryanne Trump (Barry)who refused to recuse herself on my motion despite hundreds of thousands of dollars per month being laundered through her brother's casinos by RICO defendants Dilena and cos., and (wrongfully)dismissing same to conceal the aforementioned criminal activities. (ER.at61,67). At the same time, (federal) employee of defendant USA,Hugh Leonard, U.S. Trustee, not only breached his duty under the aforementioned statute, not only refused to intervene or join in plaintiff's motion regarding same upon being informed thereof, but rather violated another federal statute discussed infra as he was placed on retainer by the RICO defendants Dilena (as a reward for same).

Federal employee, defendant Alan Shiff [U.S. District Court for the District of Connecticut Case # 3:97CV2248(DJS)], in an attempt to thwart the above statute and as well conceal the criminal (racket

eering) activities brought before the (bankruptcy) court, without jurisdiction did make fraudulently false misrepresentations in bringing a spurious contempt proceeding against plaintiff,causing substantial damage to plaintiff, his estate, and creditor's thereof.(ER.at 54,60,64-72). Federal employees such as US.Attorneys Sam Allito, Chris Droney,and most recently,Alejandro Mayorkas, as well as FBI agents in N.J., Conn.,and Ca. respectively, have,violated the mandate of

said statute.Moreover,the respective Chapter 7 trustees in Va.,Conn., and Ca. have similarly violated said statute, defendant Coan being the most recent and most flagrant violator of same along with Asst. US. Attorney Robert I. Lester, who indeed should properly refer the crimes averred here if he is incapable of handling same as opposed to continuing the coverup. Title 18 U.S.C.Section 2 and Section 371 are apposite here, violations of which along with consequent damage caused thereby, make the equitable tolling provision apposite as discussed infra,and the imposition of civil RICO liability appropriate in this case.The fundamental rule of law consistent with the intent of the foregoing statutes is that even if not "agreeing", members of a conspiracy may be found guilty of conspiracy if they knew of the conspiracy's existence at the time of their acts and their acts knowingly aided or abetted the business of the conspiracy, US.v. Sims, 808 F. Supp. 620 (N.D.Ill.1992),is applicable herein where the acts of (not coincidentally, newly appointed federal employee and assignee to RICO action involving drug money laundering through her family's casinos) Maryanne Trump Barry in thwarting the RICO action involving predicate acts thereof that were and continued for some time there after yielding financial benefits to her family is within the ambit

of foregoing statutory mandate. Similarly,federal employee and U.S. Trustee Hugh Leonard,in breach of his duties under 28 U.S.C.Section 586, actually joined said conspirators, being placed on retainer by same.The corrupt acts of former U.S. Attorneys Allito(N.J. -file and documents concerning RICO predicate acts disappeared, no record), Droney (Conn. -his brother as "bagman" receives Trump money, institutes at defendant Shiff's order spurious contempt proceeding against me thwarting RICO related adversary proceedings-Trump similarly paid such "bribes" through N.J..law firm Wolf"and Sampson,"former" firm

of then state Attorney General who was pressured to step down as did Droney) the various Chapter 7 and other trustees, including U.S. Trustees, in the states of Va., Conn., Ca., most recently and egregiously being defendant Richard Coan herein,Alan Shiff's extra jurisdictional and spurious,. contempt proceeding against plaintiff to thwart RICO related adversary proceedings in furtherance of the fraud on plaintiff/debtor's estate and creditors thereof,and the U.S. government vis-a-vis capital gains taxes from properties illegally sold,including one while the stay pursuant to Title 11 U.S.C.Section 362 was clearly applicable (FAVC), Asst. US. Attorney Jonathon Lacy (NJ.-"bought up",file and documents disappeared) and recent Clinton appointee,Alejandro Mayorkas,regarding the illegal and corrupt,discriminatory acts of J.Matz in violation of my constitutional and civil rights, among other (s) including Ernest Robles, U. S. B. C. J. (Ca)who was set forth in the original Notice of Claim, receipt of which was disputed by defendant USA.

The statute prohibiting parties from conspiring to "defraud" the U.S. criminalizes any willful impairment ' of legitimate government function,whether or not conspirators' acts or objectives are criminal under any other statute,and whether or not the Government suffers any pecuniary loss by fraud. US.v. Touhey, 867F.2d 534 (9th Cir. 1989) (C

Moreover,the object of conspiracy need not implicate separate statutory violations so long as conduct impairs government function.U.S.v. Tham, 960 F.2d 1391 (9th Cir.1991) (also Cal.) ; see generally,'Defrauding America' by Rodney Stich, supra. Clearly, in the present matter, the corrupt scenario set forth supra has caused pecuniary loss to the government, ie., tax revenue, etc., and as well,impaired government function. Title 18 U.S.C.Section 157.Bankruptcy Fraud, is applicable here where federal employee Alan Shiff made 'false' and 'fraudulent representation' (s) concerning or in relation to a proceeding under title 11,at a(ny)time before of after the filing of'(plaintiff's)'petition' clearly in violation of said law.
Shiff knowingly made a fraudulently false representation which was relied upon by the US. Attorney's Office in bringing a(retaliatory) spurious contempt proceeding against me,though he was without jurisdiction to do so, and which covered up and fraudulently concealed the crimes set forth in the adversary proceedings which paralled the pending RICO action in the Dist.of Conn. (FAVC,ER.at 59,60,64-72). Defendant Shiff lied (materially false representation),he knew he lied (scienter- he presided over the prior hearing, the date of dis -

missal of which he falsely represented) , the lie was relied upon (by the government in bringing the spurious contempt proceeding),and the damages have been substantial. (E.R. at *59,60,64-72,66,67).* While the government did dismiss said contempt proceeding on its own motion after learning of Shiff's-fraud through the diligent efforts of counsel Sullivan on my behalf, said dismissal occurred after substantial damage to me, my estate, and creditors thereof (FAVC and E.R. at pages 59,60,64-72,66,67). The false hearing notices as were extent in the California and Connecticut bankruptcy proceedings also should fall within the ambit of this criminal statute. (FAVC and E.R. at pages 71,72). Additionally, defendant Coan's false representation at the hearing before defendant Shiff on 10-21-97 concerning the adversary proceeding against (an admitted junk-*ie among other illegal drugs,* methamphetamines, pills, etc., and thief who in less than 5 years in California had 3 guilty pleas to theft) David George Swann, DOB 4-6-60, which was ripe for the entry of default (and then judgment - no legitimate defense to this meritorious action). Specifically, despite being joined as trustee and party plaintiff, and despite the fact that the assets stolen were in large part estate assets, potentially subject to sale and

distribution to creditors (which precluded my bringing of same as
a non-bankruptcy action), defendant Coan over my objection at said
hearing refused to proceed with said action (and the entry of default- remedies replevin and damages) saying to a very cooperative
defendant Shiff (Swann's Vegas-jewish mobster connection being Stuart Sackley) that he would decide whether to bring said action -which was then dismissed. Contrary to his false representation, de-

fendant Coan has neither abandoned nor proceeded with said action, which I inquired about when defendant Coan conducted the 341A hearing telephonically here in California using California trustee's facilities, getting no more than a defensive, angry, "non-reply" from Coan. (ER.at 132-135). [It should also be noted that the breaking of the room window where I was staying and (initial) theft of some of my personalty (presumably by Swann-motive, means, opportunity) as I met with FBI agents in Long Beach, Ca. to tender corroborative documents concerning the RICO matters] . Moreover, defendant Coan's actions (vis-a-vis said stolen personalty)may have risen to that degree of culpability necessary to sustain (criminal and)civil liability for aiding and abetting,as well as other RICO claims.See generally,U.S. v. Barlow, 470 F.2d 1245 (D.C.Cir. 1972) . Title 18 U.S.C. Sect.201, is applicable to this case vis-a-vis drug money laundered through federal employee Maryanne Trump Barry's family's casinos from RICO defendants Dilena and Cos., the placing of "former" U.S. trustee on retainer by said defendants,the payment(of a bribe)to US Atty.Chris Droney by Trump,the corrupt acts of same directly causing damage to me,along with Lacy, Allito, etc, within the ambit of the statute.

While the f.oregoing, among others, represent predicate acts for which the imposition of liability under RICO is appropriate, the facts, pleadings under penalty of perjury, and record herein amply support ing same, plaintiff has pleaded civil liability predicated upon prima facie tort (FAVC) . Indeed, commenting on the pronouncement of the eminent and quit e brilliant jurist, Justice Holmes in Aikens v. Wisconsin, 195 U. S. 194, 25 S. Ct. 3, 49 L. Ed. 154 (1904), the court in Ńat.Nutritional Foods Ass'n v. Whelan, 492 F.Supp. 374 (D.N.Y.1980) sustained liabilty under such alternative legal theory, stating in pertinent part as is apposite herein, "The 'prima facie' tort is rooted in the wise notion that no system of law can completely de- scribe all claims deserving relief." Id. at 382. Similarly, in the instant case as in Nat. Nutritional Foods Ass'n., supra, claims for relief by plaintiff herein, should be sustained as well.

E. THE WITHIN ACTION WAS FILED WITHIN THE APPLICABLE STATUTE OF LIMITATIONS

It should once again be emphasized herein, and as stated at the 11-22-99 hearing before the corrupt J. Matz (E.R. at pages 96,97), that Janet Bond Arterton, U.S.D.C.J. for the District of Connecticut, dismissed the RICO action, Docket #92cv0166, within weeks of the corrupted and collusive dismissal of the "parallel" adversary proceedings in the Shiff court. In her order of dismissal without prejudice, J. Arterton predicated same upon her incorrect presumption that said matter was being resolved in the bankruptcy proceedings which indeed might have been so (in light of the parallel adversary proceedings and the defaults and default judgments had been entered and other such proceedings gone forward) , if not for the corrupt, wrongful, illegal and collusive acts of defendants Coan and Shiff. This order was entered in or around. July, 1996. Notices of Claim were filed with defendant USA who initially denied receipt of same, and re-served with said Notices of Claim with exhibits appended thereto to facilitate their investigation of said claims which notice was also appended to the Verified Complaint in the instant matter to facilitate discovery herein. Plaintiff had sent numerous pleadings, exhibits and other documentary evidence relating

to the RICO violations and illegal acts involved in the bankruptcy proceedings, by facsimile, courier, mail, as well as delivering some by hand to, and had numerous telephone conversations with, Offices of the U.S. Attorney, FBI agents, (Offices of)Attorneys General Barr and Reno, Office of FBI Director Louis Freeh (which transmissions included those primarily in the states of New Jersey, Connecticut, California, and Washington, D.C.) I also sent documents to some

members of Congress with the hope that the brazened illegal racket-
eering acts and other corruption involved therein would be acted
upon by criminal proceedings appropriate thereto. Indeed, I had al-
so been given by the Office of FBI Director Freeh the fax number
thereto to which I faxed most of the corroborative documents inclu-
ding those related to the extent RICO action 92cv0166 (TGD) then (AWT)
then (JBA) , and related bankruptcy ("parallel" adversary) proceed-
ings, District of Connecticut. Having delivered corroborative docu-
ments to FBI Agent Jeff Hayes at the Long Beach, California in 1996
(he was promptly "reassigned" out of said office) , having spoken
with an FBI agent in the Los Angeles office thereof who stated they
had many drug money laundering cases, and finally, with Rick Hahn,
special agent in charge of the Long Beach, Ca. office thereof con-
cerning the drug money laundering involved in said case as well as
the bankruptcy fraud as to creditors, my estate, and the U.S. govern-
ment, I was constrained to file the notice of claim concerning the
latest predicate acts in this pattern of racketeering activity. This
took place in late 1996 and in 1997, and as well involved the

transcript of the sworn proceedings and my testimony therein for the 341A hearing conducted by defendant Coan and related RICO crimes at the U.S. Trustee's office in Los Angeles on or about 12-11-97. Despite stating he would want a copy thereof, he ultimately refused to purchase a copy (I was without funds sufficient to purchase same) thereof from the reporter, and further stated that the government's financial interest in same (through defrauded monies therein from properties illegally sold as set forth supra, etc.) being less than $100,000 would not warrant their proceeding with (appropriate) criminal proceedings, although the amounts involved in said fraud and

RICO proceedings were substantially in excess of said amount, as articulated to him (interestingly,I had first spoken to Hahn at the Los Angeles office, and subsequently brought to the Long Beach office -as their resident "coverup artist"). In any event, in light of said position and the coverup "complete" vis-a-vis what should have mandated parallel criminal RICO proceedings in light of the plethora of evidence of predicate acts violative of the RICO act, and now quite obviously, defendant USA's involvement in and violative thereof, I served the requisite notices of claim (twice) as discussed supra, and commenced(the initial action in 1998 and) the instant action (entered) on 3-17-99. Ordinarily, the general and well reasoned rule of law provides that the four-year statute of limitations governing a (civil) RICO cause of action does not start to run until government prosecutors filed criminal complaints against defendants as, until then, plaintiff could not reasonably have been charged with knowledge of RICO violations. Riverbay Corp. v. Steiner, 544 N.Y.2d 914,144 Misc.2d 530(N.Y.Sup.1989) - Moreover, there is no authority for the proposition that predicate acts vio-

lative of the RICO act, even those which are cognizable as independent claims, substantively, and which are barred by statute of limitations, can not serve as predicate acts for a RICO claim, thus permitting the RICO claims in the instant case. Halperin v. **Jasper**, 723 F.Supp. 1091 (E.D.Pa.1989) . This is especially so where as in this case, though not initially intuitively obvious, the facts ultimately reveal the defendants USA's substantial involvement in a pattern of racketeering activity in violation of the RICO Act as involved herein, and as well, a (criminal) racketeering

enterprise engaged therein. If not for the illegal,fraudulent, and collusive corruption of the process,there may not have been any in ,jury from the racketeering, activity violative of RICO consistent with Judge Arterton' s presumption that same was being resolved in the bankruptcy proceedings., That is, the damages appropriate to the "parallel" adversary proceedings would possibly have resolved same. Yet, the predicate acts committed by defendants USA and Coan in furtherance of the pattern of racketeering activity and conspiracy in violation of the RICO Act indeed caused the injury involved herein. The four-year statute of limitations applicable to actions under RICO when plaintiff knows or has reason to know of the RICO injury which is the basis of his action; and said rule precludes the inequitable circumstance of barring the complaint where plaintiff might discover his harm before facts are sufficient to make him aware that it was a "RICO injury". Coal -Mac, Inc. v. JRM Coal Co., 743 F.Supp 499(E.D.Ky.1990) ,especially herein where I was "strung

along"by a corrupt defendant USA, (agents /employees), and fraud, ie. ,
bankruptcy,etc.,Shiff,Coan ,etc.Moreover,it is the last act alledged
to be in furtherance of continuing conspiracy to defraud that forms
the predicate for timely filing of a claim under the RICO Act, Cook v. Berger, 648 F. Supp 433 (N.D. Ill. 1986) placing the f iling of the instant case well within the required limitations period.

F. THE STATUTE OF LIMITATIONS IN THE PRESENT CASE WAS SUBJECT TO EQUITABLE TOLLING

Though filed within the requisite limitations period,it is true
that the 4 yr.statute of limitations for RICO civil actions is subject to equitable tolling,Borden,Inc.v.Spoor Behrins Campbell&Young,778 F. Supp 695 (SDNY. 1991) , and that f ederal equitable tolling doctrines apply to RICO claims since same derive from federal law.Emrich v.Touch Ross&Co,846 F.2d 1190(9thCir.1988).Where the predicate acts include fraud, while the 4yr statute of limitations runs
from the discovery of the injury,said limitations period can be tolled until plaintiff has enough information to sue.Fujisawa Pharm.Co v. Kapoor, 115 F. 3d 1332 (7th Cir. 1997) . Where plaintiff suspects truth

but investigates unsuccessfully, fraudulent concealment as extent
herein will toll the statute of limitations,UA Local 343 United Ass 'n of Journeymen&Apprentices of Plumbing&Pipefitting Ind. of U.S.
and Canada, AFL- CIOv. Nor. Cal Plumbing, Inc., 48 F.3d 1465(9th Cir1994)cert.den'd. 116 S.Ct.297, 516 U.S.912,133 L.Ed.2d.203.This rule is especially apposite herein with numerous violations of RICO and other federal laws and as well, a concerted effort to coverup said

crimes is extent. Moreover, the consistent illegal and fraudulent attempts by, among others, federal employees such as Maryanne Trump (Barry), defendant Shiff through fraud and a spurious contempt proceeding, false hearing notices, felonious removal of filed federal court documents, etc., and most recently, the fraudulent misrepresentation of the record by J. Matz, among others, to preclude even discovery as well as a plenary hearing on the merits consistent with the paramount judicial goals of fairness and justice. Indeed, J. Matz mistated as well the date of the felonious removal of filed federal court documents as 3-4-99(sic)*, presumably to attempt impugn the contrary averment under penalty of perjury by me inasmuch as the date he set forth would have made such act impossible. Moreover, on page 3 of J. Matz' (travesty) Order of Dismissal with Prejudice (ER. at page 13),as to defendant USA he falsely states that I referred to the Court as a defendant in this case. To facilitate review herein and illustrate Matz' propensity to lie, I have annexed the entire Request to Enter Default. (E.R. at pages 31-41). Additionally, despite my having corrected and clarified Matz, misconception and mischaracterization of Judge Arterton's Dismissal Without Prejudice with the presumption that the matter was being re-

solved in bankruptcy,at the 11-22-99 hearing as set forth in his

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*In my haste to comply with the Court's Order concerning communi
cations with counsel for defendant USA regarding- the (drafting of
the) FAVC (under somewhat oppressive extraneous circumstances), I
apologize for the scrivener's error regarding the date of said fi-
ling (viz., 3-4-93 but set forth as 3-4-94, which through **the word**
processor)was repeated throughout the FAVC and which I missed upon
proof reading,although the correct date is readily **discernible from**
the attached Exhibit "C" concerning same, with said date being ir-
relevant to any statute of limitations issue vis-a-vis **the 1998 fi-**
ling, but rather, indicative of yet another violation of federal
law and predicate acts under the RICO Act.

"draft order", he still (I infer an attempt to "draw strength from unity", viz.,with other judges)included said false characterization in his order.Where injuries Where known on date incurred,but who arranged same and how they related to the RICO enterprises was concealed by members thereof,as herein,the four-year statute of limitations for civil claims under RICO are equitably tolled.See generally,Jerry Kubecka,Inc. v. Avellino,898 F.Supp.963 (E.D.N.Y.1995).
Here there is unlawful obstruction,corruption,ie.,judicial process,
violations of federal laws,predicate acts violative of RICO by federal employees with incentive and motivation,financial,etc.,to cover-up, and equitable tolling is appropriate as a matter of law.

G. THE SUBJECT CAUSES OF ACTION AS SET FORTH IN THE FAVC ARE OF THE NATURE OF A CONTINUING TORT

The continuing tort doctrine is appropriate in this case as in NorthernTankers(Cyprus)Ltd.v.Backstrom,934 F.Supp.33(D.Conn.1996)wherein the statute of limitations did not bar a litigant's claim for fraudulent nondisclosure based on opponent's intentional failure to comply with litigant's discovery requests in earlier litiga-

tion,as litigant alleged continuing fraudulent nondisclosure of documents throughout the time period of the earlier litigation.Similarly,here in violation of a subpoena RICO defendants Dilena and companies and their then lawyers,Woodcock,Kingman,& Winkler illegally witheld and then destroyed said documents,also getting "help" from federal employees Maryanne TrumpBarry,defendant Alan Shiff,and most recently J.Matz in precluding discovery and/or a plenary hearing on the merits, discussed supra. (There is also violation and contempt of a subpoena by FEDEX).When a plaintiff is subject as herein to continuous wrong, while the moment a cause of action accrues determines when judicial relief is first available,equity begins the limitations period from when the tortious conduct ceases.Overall v.Estate of Klotz, 52 F. 3rd 398 (2d Cir'. **1998)** . This is so herein where duress and oppression are inherent to the corrupted federal (judicial and other)process,numerous violations of federal law and predicate acts violative of RICO, supra. The "continuing wrong doctrine", where the tort involves continuing injury,the cause"of action accrues at, and

limitations begins to run from, the date of last: injury; and said statute of limitations does not begin to run until the wrong is over and done with. Tiberl v. Cigna Corp., 89 F.3d 1423 (10th Cir. 1996), rehearing denied. While it so that J. Matz, through his fraudulent misrepresentation of the record for which a criminal complaint was filed consistent with the federal coverup,as discussed and his violation of my civil and constitutional rights, is the most recent corruptor of the federal. process perpetuating the wrong herein, the fact is that the entire matter may very well have been resolved in 1996 (with the entry of defaults, judgment, and hearings consistent therewith, etc.), if not for RICO and other violations of law by defendants as set forth supra. The general rule apposite under the facts herein is that the continuing wrong doctrine delays the accrual of causes of action where repeated instances or continuing (wrongful) acts of the same nature are involved (ie., violations of federal law, coverup, misprision of felony, f alse hearing dates, etc. Nesovic v.U.S., 71 F. 3d 776 (9th Cir.1995). Additionally, the retaliatory campaign through unlawful acts and corruption of the (federal) process to thwart and deter-

actions as herein is well within the ambit of the aforementioned doctrine. See generally, Maynard v.City of San Jose, 37 F.3rd 1396 (9th Cir. 1994), as amended, on remand 1996 WL 101192. As such is clear that the cause of action set forth in the FAVC as continuing tort is eminently appropriate herein and J.Matz' denial of same constitutes error herein.

H. DEFENDANT USA HAD A CLEAR DUTY TO SUPERVISE DEFENDANT COAN AS CHAPTER 7 TRUSTEE AS SET FORTH IN PLAIN AND UNAMBIGUOUS LANGUAGE OF THE FEDERAL STATUTE CONCERNING SAME

Title 28 U.S.C. Section 586. Duties; supervision by Attorney General, provides in pertinent part: (a) Each United States trustee, within the region for which such United States trustee is appointed,

shall-(1) establish, maintain, and 'supervise' a panel of private

trustees that are eligible and available to serve as trustees in

cases under chapter 7 of title 11; et seq. ['emphasis supplied'].

While (3) (G) might arguably be construed as a "discretionary"

function, that certainly should not be the case herein where the

trustee has received bribes as former federal employee and U.S.

trustee Hugh Leonard (placed on retainer by RICO defendants Dilena

and companies) , or U.S. attorney Chris Droney (payments through

his brother's law firm by Trump), etc., and the substantial vio-

lations of federal law (including bankruptcy fraud on me, the es

tate,and creditors thereof,among other crimes)as set forth supra.
The breach of said statutorily created duty to supervise as set forth
in plain unambiguous language,and the damages caused thereby does not
fall within any of the exceptions as set forth in Title 28U.S.C.Sect.2680.
Indeed,any purported immunity arguably attributable to the U.S.

trustees vis-a-vis defendant Coan(and other Ch. 7 trustees, ie. Virginia, California, as discussed supra)is predicated upon federal employees 'exercising due care' as set forth in 28 U.S.C. 2680 (a) . Where, as set forth in the FAVC, there is ample support that some thing other than due care was exercised in supervising the chapter 7 trustees herein,there is nothing to preclude such an action based on said statutorily imposed duty which is consistent with accountability and fairness and justice.It should be emphasized that no fed.employee is above the law and no immunity obtains for illegal acts as involved herein.* The damages involved in this case are substantial. It is well settled that a bankruptcy trustee has a duty to collect the assets of the debtor and if said trustee fails to do so, he may be charged with the value of the assets that never came into his pos-

*[Plaintiff served upon Attorney General Reno, FBI- Director Freeh, the Of f ice of the U. S.Attorney f or the D. Conn. (ie. , Assistant U. S. attorneys Hughes, Durham) local offices of the FBI in Connecticut and California (ie.,Agents Barndollar,Hayes,etc.),documentation of most of the crimes 'involved herein, reference to which was made at the status conference before the Honorable Alvin Thompson,U.S.D.C.J.,D. of Conn.

ticut,on 2-8-96 regarding a matter for
which a judgment was enter
ed in plaintiff's favor but neither acted
upon nor abandoned by the
corrupt defendant Coan, and as well some
documentation on notice to
U.S. trustee in the District of
Connecticut, Patricia Beary].

session. In re E Z Feed Cube Co., Ltd., 115 B.R. 684 (D.Or.1990).
It is also a general principle of law that the trustee in bankruptcy is required to collect all of the property belonging to the bankruptcy estate and to convert it to money and it is a concomitant goal of the trustee, during the administration of the estate, to carefully preserve the assets in its possession, upon pain of surcharge, from deterioration or dissipation. In re Nadler 18 B.R.330(1980) If a chapter 7 trustee fails in his duty to collect estate assets, he may be charged with the value of assets that never came into his possession. In re AFCO Development Corp., 65 B.R. 781 (D.Utah1986)

It is clear that chapter 7 trustees as set forth in the present case, particularly, defendant Coan who to this very day remains in breach of said duty, have breached the aforesaid as discussed supra. Moreover, consistent with a pattern obstructive and collusive lawlessness, the respective U.S. trustees breached their duties to supervise said Chapter 7 trustees causing the damages to plaintiff, plaintiff's estate and creditors thereof.

I. J. MATZ -SHOULD HAVE BEEN DISQUALIFIED IN THE PRESENT CASE

Plaintiff made applications to disqualify J.Matz who, not unlike Maryanne Trump (Barry) is a political hack of a judge, brought in (as a "replacement" for J. Davies) by the most corrupt administration (Clinton) in the history of this nation (and quite possibly any other so-called "democracy") to coverup crimes as are involved herein and particularly those involving the crimes of other corrupt jews (ie., Shiff, discussed supra) and the liability of other jews (ie., Coan, Hess, among other criminals involved there with, id.) in violation of my civil rights under Title 7 U.S.C.

and other constitutional law. Moreover, despite self-serving statement regarding what he purports to be intentional misrepresentation falling within the auspices of 28 U.S.C. Section 2680(h) (as arguably his own, ie., regarding the record herein, which
will be forwarded by way of a copy of the within to the appropriate judicial tribunal for judicial misconduct as his) he has failed, not surprisingly, to properly characterize defendant Shiff' s fraud and retaliatory and spurious contempt proceeding predicated
upon said fraud and the damages directly caused thereby. Specifically, Shiff's fraud in initiating the spurious contempt proceeding for which he was without jurisdiction was outside the scope of the exceptions set forth in 28 U.S.C. Section 2680(h) or any
other subpart thereof. Moreover said.fraud and spurious contempt proceeding by defendant Shiff was itself a predicate criminal act in violation of the RICO Act (ie., bankruptcy fraud, conspiracy, misprision of felony, fraudulent concealment of same-coverup, and possibly through di scovery- bribery) consistent with a pattern of (criminal) racketeering activity as set forth supra, as indeed a
reasonable and similar inference might be drawn from Matz' intentional and fraudulent misrepresentation of the record herein.Moreover, defendant Shiff's dismissal with prejudice, completing the

fraud on plaintiff and creditor's herein as well as to cover-up the RICO crimes herein, occurred on December 5, 1996. (E.R. at pages 76,77) . It is at that point in time that plaintiff's cause of action accrued since the actionable and unlawful conduct of defendants Shiff and Coan could have been, in that interim time period, cured or rectified, ie., entry of judgments, RICO defen-

dants Dilena and defendants or tried as to those defendants who hadn't settled but had answered (some defendants were without any legitimate defense, ie., real property sold during the pendency of the automatic stay under section 362 of Title 11, U.S.C., etc. Matz' reference to Judge Arterton is disingenous at best inasmuch as my own inclusion thereof was factual and pointing to possible collusion since her dismissal without prejudice was predicated upon her presumption that same was being resolved in the bankruptcy proceeding, which it well could have been as discussed supra, but rather had already been dismissed within weeks thereof,and hence consistent with the coverup, etc. , a predicate act of itself within the ambit of the RICO Act (it is my understanding that the subject adversary proceedings were dismissed at the 6-25-96 hearing before defendant Shiff and the dismissal by Judge Arterton within weeks after his order which can be readily discerned from the record). It should also be noted that courts have recognized appropriately a private right of action for damages (including against defendant USA) for deprivation of property without due

process of law as herein. In any event, Matz is a corrupt judge who typifies the corrupt Clinton administration that appointed him and for the reasons set forth hereinabove, should have been disqualified., It should be noted that defendant USA's motion to dismiss was filed in violation of the stay imposed-by Judge Paez while said application was still pending and the Order denying same and appealed herein filed on 10-26-99 and entered on 10-28-99 (E.R. at pages 8,23-26) [Not coincidentally, on 10-30-99 I was assaulted (stabbed),falsely arrested and imprisoned, my personal-

ty wrongfully and illegally converted (including wordprocessor and documents -returned on 1-5-00),and wrongfully and illegally disposessed without court order from premises where I was residing. **(E.R. at page 27).**

As to the corrupt jew defendant Coan, even assuming arguendo, though not correct under the facts and law applicable hereto, that venue did not lie here, transfer rather than dismissal was appropriate as a matter of law. United Liberty Life Ins. Co. v. Pinnacle West Capital Corp., 149 F.R.D. 558 (S.D.Ohio1993). Additionally, in light of the dilligence of plaintiff in pursuing claims though obstructed (and obstruction of justice) by the corrupted and unlawful "federal process" presiding over and controlling same as set forth hereinabove (ie., defendant Shiff, etc.) plaintiff should have been and should be permitted to amend complaint in attempt to cure statute of limitations problems, particularly where as here fraudulent concealment is extent and alleged. Snider v. Lone Star Art Trading Co. , Inc. , 672 F. Supp. 977 (E. D. Mich. 1987). This is also under the law more fair consistent with the general principle that a more prudent and liberal approach to RICO pleadings be taken

at the motion to dimiss stage than that taken by Matz. Witt v-Merrill Lynch, Pierce, Fenner,&Smith, Inc. 602F. Supp. 867 (W.D. Pa. 1985). (While I realize and apologize for even having to reference the prejudice of jews vis-a-vis non-jews,when "jewish" interests are at stake, and as well the risk of offending and alienating the Court concerning same, the truth remains the truth, and reality is reality, and there is no place for such as Shiff or Matz exercising said prejudice in their corrupted roles as federal judges) . Finally, even corrupt federal judges as Shiff and Matz are not immune from criminal prosecution for their illegal acts as set forth supra, andshould be prosecuted and impeached (along with Trump-Barry).

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CONCLUSION

Defendant USA is in default and default judgment is appropriate under the totality of the facts herein, the law applicable there to, and the paramount judicial goals of fairness and justice. This is the wisest course inasmuch as defendant USA can and should proceed against defendant Coan and/or Coan's insurer and/or surety for indemnity and contribution. Alternatively, for all of the reasons set forth herein, the Orders of Dismissal with prejudice as to defendants Coan and USA should be REVERSED, with instructions.

Dated: 7-14-00

Respectfully Submitted by:

Albert L. Peia

JUDICIAL NOTICE REQUESTED

It is respectfully requested that Judicial Notice be accorded all referenced, as well as related (to plaintiff, ie., bankruptcies, RICO, etc.) Federal proceedings, including the original

Verified Complaint and the Notice of Tort Claim filed as an Exhibit thereto. Judicial Notice is also respectfully requested for the following learned treatises:

'Unlimited Access', by (former FBI Agent) Gary Aldrich, 1995;
'The Secret Life of Bill Clinton', by Ambrose Evans-Pritchard;
'Clinton Confidential',by noted author, George Carpozi,Jr.,1995;
'Defrauding America', 3rd. Ed., by Rodney Stich, 1998;
'Betrayal', by (Washington Times eporter) Bill Gertz, 1999;
'Year of the Rat: How Bill Clinton Compromized U.S. Security for Campaign Cash' , by (former National Security Agency) authors, Edward Timperlake and William C. Triplet,III, 1998;
'The Dysfunctional President', by, Dr. Paul Ficke , 1995;
'The Clinton Enigma', by David Maraniss, 1997;

Respectfully Requested by:

7-14-00

Albert L. Peia

Appendix B

Racketeer Influenced and Corrupt Organizations Act 18 U.S.C. §§ 1961–68

APPENDIX B

Racketeer Influenced and Corrupt Organizations Act I8 U.S.C. §§ 1961~68

§ 1961. Definitions

As used in this chapter-
(1) "Racketeering activity" means (A) any act or threat involv ing murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under state law and punishable by imprisonment for more than one year; (B) any act that is indictable under any of the following provisions of title 18,United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating, to embezzlement from pension and welfare funds),sections 891-894 (relating to extortionate credit transactions), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers),sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction

of criminal investigations), section 1511 (relating to the obstruction of state or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating

to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and,use of pass port), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sec tions 1581-88 (relating to peonage and slavery), section 1951 (relat ing to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of inter state commerce facilities in the commission of murder-for-hire), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploita tion of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs, or computer program documentation or pack aging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), sec tion 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 21320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relat ing to traffickina in contraband cigarettes), sections 2421-24 (relat ing to white slave traffic); (C) any act that is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501 (c) (relat ing to embezzlement from union funds); (D) any offense involving fraud connected with a case under title 11, fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Con trolled Substances Act), punishable under anv law of the United

States; or (E) any act that is indictable under tl~e Currency and For eign Transactions Reporting Act;

(2) ""state"' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) "'Person" includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) "enterprise" includes any individual, partnership, corpo ration, association, or other legal entity, and any union or group ofindividuals associated in fact although not a legal entity;

(5) "'Pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment)after the commission of a prior act of racketeering activity;

(6) "unlawful debt," means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State, or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and(B) which was incurred in connection with the business of gambling in violation of the law of the United States, a state, or political subdivision thereof or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

(7) "'racketeering investigator" means any lawyer or investi **gator so designated** by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

(8) "'racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

(9) "documentary material" includes any book, paper, docu

ment, record, recording, or other material; and

(10) "Attorney General" includes the Attorney General of the United States, the Deputy Attorney General of the United States,the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of justice, or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

§ 1962. Prohibited Activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise that is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment., and without the intention of controlling or participating in the control of the issuer,or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or (of) racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to 1 percent of the outstanding securities of any one class, and do not confer., either in law or in fact, the power to elect one or moredirectors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directlv or indirectly, any interest in or control of any enterprise that is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect,interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

1963. Criminal Penalties

(a) Whoever violates anv provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law-

(1) anv interest the person has acquired or maintained in violation of- section 1962;

(2) any-

(A) interest in;

(B) security of;

(C) claim against; or

(D) property or contractual right of any kind affording a source of influence over;

any enterprise that the person has established, operated, con trolled, conducted, or participated in the conduct of, in viola tion of section 1962; and

(3) any property constituting, or derived from, any pro ceeds that the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

(b) Property subject to criminal forfeiture under this section includes-

(1) real property including things growing on, affixed to, and found in land; and

(2) tangible and intangible **personal property, including** rights, privileges, interests, claims, and securities.

(c) All right, title, and interest in property described in sub section (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. **Any such property** that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearinc, pursuant to subsection (1) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(2) any-

(A) interest in;

(B) security of;

(C) claim against; or

(D) property or contractual right of any kind affording a source of influence over;

any enterprise that the person has established, operated, con trolled, conducted, or participated in the conduct of, in viola tion of section 1962; and

(3) any property constituting, or derived from, any pro ceeds that the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of

section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

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(1) real property including things growing on, affixed to, and found in land; and

(2) tangible and intangible **personal property, including** rights, privileges, interests, claims, and securities.

(c) All right, title, and interest in property described in sub section (a) vests in the United States upon the commission of the

act giving rise to forfeiture under this section. **Any such property**

that is subsequently transferred to a person other than the defen dant may be the subject of a special verdict of forfeiture and there

after shall be ordered forfeited to the United States, unless the

transferee establishes in a hearing, pursuant to subsection (1) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.
(d)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section

(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and

alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that-

W there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, that an order entered pursuant to sub paragraph (B) shall be effective for not more than ninety davs, unless extended by the court for good cause shown or unless an indictment or information described in sub paragraph (A) has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property,

if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents

to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

(e) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all

property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees,
or take any other action to protect the interest of the United States in
the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

(f) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or -any other commercially feasible means,, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance, and custody of the property pending its disposition,

advertising,, and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

(g) With respect to property ordered forfeited under this sec tion., the Attorney General is authorized to-

(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter., or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

(2) compromise claims arising under this section;

(3) award compensation to persons providing information resulting in a forfeiture under this section;
(4) direct the disposition by the United States of all prop erty ordered forfeited under this section by public sale or **any other commercially feasible means, making due provision for** the rights of innocent persons; and
(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pend ing its disposition.
(h) The Attorney General may promulgate regulations with respect to-
(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;
(2) granting petitions for remission or mitigation of for feiture;
(3) the restitution of property to victims of an offense peti tioning for remission or mitigation of forfeiture under this chapter;
(4) the disposition by the United States of forfeited prop erty by public sale or other commercially feasible means;
(5) the maintenance and safekeeping of any property for feited under this section pending its disposition; and
(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs

law shall be per
formed under this chapter by the Attorney General.
(i) Except as provided in subsection (1), no party claiming an interest in property subject to forfeiture under this section may-

(1) intervene in a trial or appeal of a criminal case involv ing the forfeiture of such property under this section; or

(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or

information alleging that the property is subject to forfeiture under this section.

(j) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to **the location of any property that may be subject to forfeiture** under this section or that has been ordered forfeited under this section.

W In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of CriminalProcedure.

(1) (1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(2) A_ny person, other than the defendant, asserting a legal interest in property that has been ordered forfeited to the

United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3). The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, anv additional facts supporting the petitioner's claim, and the relief sought.

(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other

petition filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall, consider the relevant portions of the record of the criminal case that resulted in the order of forfeiture.

(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that-

(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts that gave rise to the forfeiture of the property under this section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section; the court shall amend the order of forfeiture in accordance with its determination.

(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(m) If any of the property described in subsection (a), as a

result of any act or omission of the defendant-

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third partv;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which can not be divided without difficulty;

201. Bribery of public officials and witnesses

(a) For the purpose of this section

(1) the term "public official" means Member of Congress*

Delegate, or Resident Commissioner, either before or after such

official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror,

(2) the term "person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term "official act" means any decision or action on any

question, matter, cause, suit, proceeding or controversy, which

may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever-

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public

official or any person who has been selected to be a public official to give anything of value to any other person or entity,

with intent-

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in make committing, or collude in, or allow, any fraud, or opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has

been selected to be a public official to do or omit to do any

act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public

official, directly or indirectly, corruptly demands, seeks, receives,

receive or accept anything of value personally for or because
of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness
upon a trial, hearing, or other proceeding, before any court, any
committee of either House or both Houses of Congress, or any
agency, commission, or officer authorized by the laws of the United States to hear evidence * or take testimony, or for or because of such person's absence therefrom;
(3) directly or indirectly, demands, seeks, receives, accepts, or
agrees to receive or accept anything of value personally for or
because of the testimony under oath or affirmation given or to be
given by such person as a witness upon any such trial, hearing,
or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a
witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial.

hearing, or proceeding, or in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.

Title 28 U.S.C. Section 586. Duties; supervision by Attorney General, provides in pertinent part: (a) Each United States trustee, within the region for which such United States trustee is appointed., shall-(1) establish, maintain, and /supervise' a **panel of private** trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11; et seq. ['emphasis supplied'].

§ 586. Duties; supervision by Attorney General

(a) Each United States trustee, within the region for which such United States trustee is-appointed, shall

(1)establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11;

(2) serve as and perform the duties of a trustee in a case under title 11 when required under title 11 to serve as trustee in such a case;

(3) supervise the administration of cases and trustees in cases under chapter 7, 11, or 13 of title 11 by, whenever the United States trustee considers it to be appropriate

(A) monitoring applications for compensation and reim bursement filed under section 330 of title 11 and, whenever the United States trustee deems it'to be appropriate, filing with the court comments with respect to any of such applications;

(B) monitoring plans and disclosure statements filed in cases under chapter 11 of title 11 and filing with the court, in connection with hearings under sections 1125 and 1128 of such title, comments with respect to such plans and disclosure statements;

(C) monitoring plans filed under chapters 12 and 13 of title 11 and filing with the court, in connection with hear ings under sections 1224, 1229, 1324, and 1329 of such title,

comments with respect to such plans;

(D) taking such action a's the United States trustee deems to be appropriate to ensure that all reports, schedules, and fees required to be filed under title 11 and this title by the debtor are properly and timely filed;

(E) monitoring creditors' committees appointed under

title 11;

(F) notifying the appropriate United- States attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the United States attorney, assisting the United States a * ttorney in carrying out prosecutions based on such action;

(G) monitoring the progress of cases under title 11 and taking such actions as the United States trustee deems to be appropriate to prevent undue delay in such progress; and

(H) monitoring applications filed' under section 327 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;

§ 2674. Liabilityof United States

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like. circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

With respect to any claim under this chapter, the United States

shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled.

With respect to any claim to which this section applies, the Tennessee Valley Authority shall- be entitled to assert any defense which otherwise would have been available to the employee based upon judicial or legislative immunity, which otherwise would have been available to the employee of the Tennessee Valley Authority whose act or omission gave rise to the claim as well as any other defenses to which the Tennessee Valley Authority is entitled under this chapter.

§ 2680. Exceptions

The provisions of this chapter and section 1346(b) of this title shall not apply to-

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform, a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by sections 741-752, 781-790 of Title 46, relating to -claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1-31 of Title 50, Appendix.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

[(g) Repealed. Sept. 26, 1950, c. 1049, § 13(5), 64 Stat. 1043].

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights: *Provided*, That, with regard to acts or omissions of investigative or law enforcement officers of the United States

Government, the provisions of this chapter and section 1346(b)

of this title shall apply to any claim arising, on or after the date

of the enactment of this proviso, out of assault, battery, false

imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, "investigative or law

enforcement officer" means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law.

(l) Any claim for damages caused by the fiscal operations of

the Treasury or by the regulation of the monetary system.

0) Any claim arising **out of the combatant** activities of the

military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(1) Any claim arising from the activities of the Tennessee Valley Authority.

(m) Any claim arising from the activities of the Panama Canal Company.

(n) Any claim arising from the activities 'of a Federal land

bank, a Federal intermediate credit bank, or a bank for cooperatives.

Albert L. Peia, Pro Se
P.O. Box 370434
Reseda, Ca. 91337-0434

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ALBERT L. PEIA,
Plaintiff/Appellant/Petitioner

CaseNo.U.S.Court Appeals 00-55108

_vs-

THE UNITED STATES OF AMERICA,Court Below
OFFICE OF THE UNITED STATES TRUSTEE)
AND RICHARD M. COAN, INDIVIDUALLY,

99-02633(AHM)

AND IN HIS REPRESENTATIVE CAPACITY
FOR THE UNITED STATES TRUSTEE, AND
JOHN DOES 1-15,
Defendants/Appellees/Respondents

Civil Action

PLAINTIFF/APPELLANT'S STATEMENT IN RESPONSE TO LETTER FROM THE CLERK OF THE COURT WHICH-IS ANNEXED HERETO

Albert L. Peia, plaintiff/appellant in the above-captioned matter, hereby responds to the letter from the (Deputy of the) Clerk of the Court as follows:

1. Plaintiff/appellant is respectfully mindful of the substantial case-load handled by the above-mentioned Court,in and for which plaintiff/appellant has the highest Personal regard and respect.

2. As a pro se plaintiff (a scenario over which I had

little control or choice as set forth in the record below - despite the "age-old aphorism" among lawyers admonishing against same), my response to the Deputy Clerk's query requires that I "step back" and approach same as if advising an independent third party.

3. While I truly believe that as set forth in the factual

and legal record herein, the within matter should be reversed, and/or default/default judgment entered as a matter of law, the Deputy Clerk's inquiry requires me to elucidate that which is set forth hereinafter.

4. As set forth under penalty of perjury, some of which can easily be discerned from the referenced (records of of) proceedings, well within defendants' "reach" (and in most instances, knowledge), the matters herein involve substantial criminal activity at the highest levels, including (among others, the federal) judicial processes (viz., Trump, Shiff, Matz, etc.), causing plaintiff substantial damages well within the ambit of RICO and other substantive (and statutory) federal law.

5. Moreover, consistent with the Court's statutory duty as set forth in plaintiff's prior submissions regarding (the federal "Crime Reporting Statute") misprision of felony, bankruptcy fraud (ie., Shiff, Coan, etc., violative of RICO, it would seem that the Court should have the opportunity to question the parties (counsel,defendant Coan did initially "specially" appear on his own behalf - and I am aware of

his 5th Amendment Right Against Self-incrimination) on the

law as applied to the facts set forth under penalty of perjury by plaintiff/appellant.

6. This is especially so given the fact that my position remains that defendant Coan (as well as Trump, Shiff, Matz, et als, as set forth below) should be criminally prosecuted for the criminal acts as set forth in the instant matter, as well as in my 7-11-00 Reply to defendant Coan's

submission'.

7. Moreover, as set forth therein, a simple dichotomy exists (which I believe is within the appropriate province of judicial inquiry given the facts herein and law applicable thereto), viz., either I lied and should be prosecuted therefore, or defendant(s) lied (obstructed justice, etc.) and should be prosecuted therefore.

8. As stated supra and in prior submissions, under the totality of the facts herein and the law applicable thereto, the wisest and most appropriate course being the entry of default/default judgment in favor of plaintiff/appellant

with defendant USA seeking indemnification from the appropriate culpable members of the RICO conspiracy, their insurers, sureties, etc., ie., defendant Coan, the Chapter 7 Trustee in Virginia, etc., as well as having predication for prosecutions consistent therewith (or alternatively).

9. Moreover, I am respectfully constrained to inform

the Court that although I have the utmost faith in the

ability of this Court to fairly resolve the within matter (in truth, I have had great difficulty in attaching a dollar figure to my mother's life, etc.), I will be filing an action in the U.S. District Court for the District of Connecticut prior to the 12-5-00 date (under RICO and as well, as to Coan, owing to Coan's spurious/specious/bad faith lack of personal jurisdiction argument, to preserve said causes while referencing the within as a related case). This should in no way be construed as a vote of confidence in the Northeast which, with the exception of the State of New

Hampsire, in "lock-step" supported the insidiously corrupt (Clinton) Gore regime (endorsed by communist China and Russia) and which region of the country I am embarrassed and ashamed to have ever called home. (I must confess however that I did recently, and on the record in a Superior Court matter on 11-9-00 refer to California as the "Bolshevick" State of California). I am confident that the within Court will exercise wisdom and prudence (which was obviously absent among the so-called "electorate" and bureacracy in this state) in, consistent with the paramount judicial interests of fairness and justice, grant the relief sought by plaintiff/appellant in the within appeal.

In sum, and in light of the above, plaintiff/appellant respectfully requests oral argument, and for the purpose of preserving and elucidating the Record for further appeal (though I am confident that same should not be necessary under the facts herein and the law applicable thereto) I respectfully decline to waive the right to same (which is what I would advise a client under facts comparable to those involved herein).

Respectfully Submitted by:

Albert L. Peia, Plaintiff/Appellant
Dated: 11-17-00

title 11;

(F) notifying the appropriate United- States attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the United States attorney, assisting the United States a * ttorney in carrying out prosecutions based on such action;

(G) monitoring the progress of cases under title 11 and taking such actions as the United States trustee deems to be appropriate to prevent undue delay in such progress; and

(H) monitoring applications filed' under section 327 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;